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November 12, 2021

VIA ECF

Hon. Valerie E. Caproni
United States Southern District
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: *N.M. et al. v. N.Y.C. Dep't of Educ.* 21-cv-8730 (VEC)(JLC)

Dear Judge Caproni:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq., as well as for this action.

I write to respectfully request an extension of 90-day extension of time for defendant to respond to the complaint from November 16, 2021 to February 11, 2022 and an adjournment of the January 14, 2022 court conference until such date as is convenient for the court following any response to the complaint. This is the first request for both an extension of time for defendant to respond to the complaint and an adjournment of the conference. Plaintiff consents to this request.

In this matter, our office has only recently received the documents necessary to begin the process for preparing a settlement offer. After an in-depth review of the case file, underlying administrative record, and billing records, our office will then seek settlement authority from the New York City Comptroller's Office. Settlement approval from the Comptroller's Office typically takes between 30-60 days.

Defendant believes that the parties will successfully resolve this case without needing any Court intervention. Indeed, all of the many dozens of similar IDEA fees-only cases brought by the Dayan firm have settled over the past several years without the need for any Court intervention or conferences, and we expect this case to take that same course. As liability is not at issue, there is no need to burden the Court with a conference while the parties attempt to fully resolve the matter.

Accordingly, Defendant respectfully requests a 90-day extension of our time to respond to the complaint and adjournment of the January 14, 2022 court conference.

Thank you for considering these requests.

Respectfully submitted,

/s/

Peter L. Germanakos

Special Assistant Corporation Counsel

cc: Adam Dayan, Esq. (via ECF)

Application GRANTED.

Defendant's time to move, answer, or otherwise respond to the Complaint is adjourned to **February 11, 2022**. The initial pretrial conference, currently scheduled for January 14, 2022 at 10:00 A.M., is adjourned to **Friday, February 25, 2022 at 10:00 A.M.** Pre-conference submissions are due no later than **Thursday, February 17, 2022**. For the conference dial in information and a description of the pre-conference submission requirements, the parties should consult the Court's order at docket entry 7.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

Date: November 12, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE